

Attorneys for Defendant  
LAURA MENKE

SUSAN SCHOFIELD, an individual;  
Plaintiff,  
vs.  
COUNTY OF LOS ANGELES, a  
municipal entity, et al.;  
Defendants.

## DEFENDANT LAURA MENKE'S CASE MANAGEMENT REPORT

///  
///  
///  
///  
///  
///  
///  
///

1 Defendant Laura Menke ("Menke") hereby submits her Case Management  
2 Report pursuant to the Court's scheduling order issued on August 22, 2022.

3 **A. DESCRIPTION OF FACTUAL AND LEGAL ISSUES**

4 This matter stems from a Los Angeles County Superior Court matter  
5 (Dependency Division) wherein Plaintiff Susan Schofield ("Schofield")'s two minor  
6 children were removed from her home ("the Underlying Action.") Schofield has now  
7 sued the County of Los Angeles, various County Social Workers, and even her own  
8 court-appointed lawyer (Menke.) As to Menke, Schofield (now representing herself)  
9 alleges that Menke (her own lawyer in the Underlying Action) conspired with the other  
10 defendants (her opponents in in the Underlying Action) to intentionally lose the  
11 Underlying Action and get Schofield's children removed from her home. Schofield  
12 alleges no facts supporting these allegations against Menke -- nor does she explain why  
13 her own lawyer would intentionally throw her case. Against Menke, Schofield alleges  
14 causes of action for (1) Violation of Civil Rights under 42 U.S.C. §1983; and (2) for  
15 Declaratory Relief. As discussed below, Magistrate Judge Alka Sakar has already  
16 recommended that the Complaint against Menke be dismissed because the matter is  
17 time-barred pursuant to the 2-year statute of limitation established by California Code  
18 of Civil Procedure §335.1. (Docket No. 39.)

19 **B. DISCOVERY PLANS**

20 If this Court adopts the recommendations of the Magistrate Judge, Menke does  
21 not anticipate engaging in any discovery. However, if the Complaint against Menke is  
22 not dismissed pursuant to the recommendation of the Magistrate Judge, Menke  
23 anticipates engaging in written discovery with Schofield. Menke also plans to conduct  
24 the depositions of Schofield and each social worker (or other County representative)  
25 with whom Schofield alleges that Menke conspired to throw the Underlying Action.  
26 Menke reserves the right to conduct additional discovery that could prove necessary as  
27 facts are revealed via the anticipated discovery.

28 ///

NEMECEK & COLE  
 A PROFESSIONAL CORPORATION  
 16255 Ventura Boulevard, Suite 300, Encino, California 91436-2300  
 TELEPHONE (818) 788-9500 FACSIMILE (818) 501-0328

**C. ANTICIPATED MOTIONS**

Menke previously filed a motion to dismiss Schofield's Complaint against her pursuant to Federal Rule of Civil Procedure 12(b)(6). (Docket No. 39.) On September 14, 2022, Magistrate Judge Alka Sakar issued a "Report and Recommendation" recommending that Menke's motion be *granted* and that Schofield's Complaint against Menke be dismissed with prejudice. (Docket No. 47.) Pursuant to Schofield's request, this Court extended Schofield's time to respond to the Report and Recommendation, which makes her response due November 22, 2022. (Docket No. 49.) If this Court adopts the recommendations of the Magistrate Judge, Menke does not anticipate any further motion practice. However, if the Complaint against Menke is not dismissed pursuant to the recommendation of the Magistrate Judge, Menke anticipates filing a motion for summary judgment under FRCP No. 56.

**D. ANTICIPATED WITNESSES**

If this matter proceeded to trial with Menke as a defendant, Menke would call the following witnesses, among others: (1) Menke; (2) Schofield; (3) the various social workers that participated in the Underlying Action; (3) all attorneys that represented the County of Los Angeles in the Underlying Action; (4) all attorneys that represented the children in the Underlying Action; (5) Schofield's ex-husband (Michael Schofield); (6) Schofield's current husband (Cory -- see Complaint at ¶29); (7) any witness in the Underlying Action; (8) all treating physicians of the children; and (9) an expert witness on the attorney standard of care. The specific identify of these witnesses (and potentially the need for further witnesses) may be revealed via additional discovery.

**E. TRIAL ESTIMATE**

Menke's trial estimate is 10-14 days. As Schofield's action against Menke appears to be a mis-labeled legal malpractice action, a retrial of the underlying dependency court action will be necessary to determine whether any different result in the underlying action was possible. Menke's trial estimate is informed by this reality.

1 Menke takes no position on the length of the trial should this Court adopt the Magistrate  
 2 Judge's recommendation to dismiss the Complaint against Menke.

3 **F. SETTLEMENT POTENTIAL**

4 Menke does not see any potential for settlement in this matter. With zero  
 5 evidence, Schofield has alleged that Menke (a duly licensed attorney in good standing  
 6 who dedicates her practice to representing indigent defendants in dependency court  
 7 matters) conspired with her client's litigation opponent to *intentionally* lose the  
 8 Underlying Action of her own client (Schofield.) Menke has no intention to reward  
 9 these spurious and unfounded allegations with a settlement payment.

10 **G. OTHER INFORMATION**

11 There is no further information that Menke wishes to provide the Court.  
 12  
 13

14 DATED: October 24, 2022

NEMECEK & COLE

16 By: Kenny C. Brooks  
 17 KENNY BROOKS  
 18 Attorneys for Defendant  
 19 LAURA MENKE  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28

**CERTIFICATE OF SERVICE**

I am a resident of the State of California, I am over the age of eighteen years, and not a party to this action. My business address is 16255 Ventura Boulevard, Suite 300, Encino, California 91436.

On October 24, 2022, pursuant to LR 3022-1, I served the following document(s) on the parties listed on the **Service List** in the manner indicated thereon:

- **DEFENDANT LAURA MENKE'S CASE MANAGEMENT REPORT**

☒ **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system.

Participants in the case who are registered CM/ECF users (listed on the Court's Electronic Mail Notice List for this case) will be served by the CM/ECF system.

Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

☒ **BY FIRST CLASS UNITED STATES MAIL:** I am "readily familiar" with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service the same day in the ordinary course of business. On the date specified above, as to each of the parties identified in the below service list, a true copy of the above-referenced document(s) was placed for deposit in the United States Postal Service in a sealed envelope, with postage fully prepared; and on that same date that envelope was placed for collection in the U.S. mail depository, located at Encino, California following ordinary business practices.

///

///

///

///

///

**Service List**

Susan Schofield (Plaintiff In Pro Per)  
25001 Magic Mountain Parkway  
Suite 620  
Valencia, CA 91355  
Tel: (661) 857-2120

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 24, 2022, at Encino, California.

Michelle W. Stoecker  
(type or print name)

/s/ *Michelle W. Stoecker*  
(signature)

NEMECEK & COLE  
A PROFESSIONAL CORPORATION  
16255 Ventura Boulevard, Suite 300, Encino, California 91436-2300  
TELEPHONE (818) 788-9500 FACSIMILE (818) 501-0328